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NASA Policy Directive

NPD 2000.1EEffective Date: February 24, 1997
Expiration Date: December 18, 2006**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Subject: Authority To Take Certain Actions For The General Counsel (Revalidated 12/18/01)

Responsible Office: Office of the General Counsel

1. Policy

It is NASA policy that the Office of the General Counsel serve as the focal point for establishing Agencywide legal policies and procedures and for providing legal advice, assistance, and functional guidance inherent in rendering legal services. To carry out such duties and responsibilities, this directive serves as the delegation from, and governs such delegated authority by, the NASA General Counsel to the designated Agency legal counsel.

2. Applicability

- a. This directive applies to NASA Headquarters and NASA Centers, including Component Facilities.
- b. In the event of any conflict between this directive and any other NASA directive or regulation, this directive shall govern and supersede any previous delegation.

3. Authority

- a. 42 United States Code (U.S.C.) Section 2473(c), Section 203(c) of the National Aeronautics and Space Act of 1958, as amended.
- b. NPR 1000.3, The NASA Organization.

4. References

- a. 5 U.S.C. Sections 552 and 552a.
- b. 15 U.S.C., Chapter 63, Sections 3701 et seq.
- c. 17 U.S.C., Chapters 1 - 13, Sections 101 et seq.
- d. 28 U.S.C. Sections 1498 and 1733.
- e. 31 U.S.C. Sections 6304 and 6305.
- f. 35 U.S.C., Part II, Chapter 18, Sections 200 et seq.
- g. 42 U.S.C. Section 2457.
- h. 5 Code of Federal Regulations (CFR) Parts 581 and 582.
- i. 14 CFR Parts 1245, 1261 - 1264.
- j. 37 CFR Part 501.
- k. Executive Order (EO) 12591, dated April 10, 1987; EO 12630, dated March 15, 1988; EO 12988, dated February 9, 1996.

5. Responsibility

a. The Deputy General Counsel is responsible for the following:

(1) Exercising the authority, performing the duty, or meeting any responsibility of the General Counsel, in the absence of the General Counsel.

(2) Signing for the NASA Administrator attestations of determinations to grant (or deny waiver of title to) inventions, and executing instruments of waiver, when in accordance with the recommendations of the Inventions and Contributions Board and the patent waiver regulations (14 CFR Part 1245).

b. The Associate General Counsel, or designee (within the area of jurisdiction), and the Chief Counsel, or designee (for matters affecting or under the cognizance of the Center or Component Facility(ies)), are responsible for the following:

(1) Executing Certificates of Full Faith and Credit, certifying the signatures and authority of employees of the Agency, whenever such certification is to authenticate copies of official records for possible admission into evidence in judicial proceedings pursuant to 28 U.S.C. Section 1733 or any other statute.

(2) Accepting service of process, pleadings, or other legal papers in actions or proceedings, with acceptance having the same effect as if served upon the Administrator. Upon accepting such service, acknowledging the service and taking further action as appropriate.

(3) Designating the NASA installation's legal counsel and/or providing legal representation in any action or proceeding before any forum (judicial, administrative, or regulatory).

(4) Designating a NASA attorney as a member on any council, board, committee, or ad hoc working group or task team for the respective installation.

(5) Determining, in accordance with 14 CFR Part 1263, whether production or disclosure of information or records should be made and/or testimony of present or former employees of NASA, relating to official information acquired as part of official duties, should be given in response to a request or demand for such information or testimony. For cases with potential Agencywide impact, the Chief Counsel must provide notice to the Office of the General Counsel before finally determining that the request for information will be denied or the appearance for testimony will be granted.

(6) Performing the broad range of duties in the area of jurisdiction or within delegated authority.

c. The Associate General Counsel (Intellectual Property), or designee, in addition to the responsibilities under paragraph 5b, and the Patent or Intellectual Property Counsel, or designee, for the respective NASA installation(s), are responsible for the following:

(1) Making determinations of property rights in any intellectual property in which NASA may have an interest. These include inventions made by Government employees; inventions made in the performance of work under contracts, grants, and agreements pursuant to the Space Act; and works of the United States Government. Also see 37 CFR Part 501, 17 U.S.C. Chapters 1 - 13, and 42 U.S.C. Section 2457.

(2) Accepting, on behalf of the United States, licenses under, assignments of, and other rights in all intellectual property including patents, copyrights, trademarks and mask works.

(3) Reviewing, recommending, and negotiating matters relating to procurement contracts, grants, and agreements related to intellectual property rights. See 31 U.S.C. Sections 6304 and 6305, and 15 U.S.C. Section 3710a.

6. Delegation of Authority

a. The Associate General Counsel (General) or designee, and each Chief Counsel, or designee for the respective installation(s), are delegated the following authority:

(1) Settle any claim against NASA up to \$5,000 made by or on behalf of a NASA employee for damage to, or loss of, personal property incident to service with NASA, whether by full or partial allowance or disallowance (see 14 CFR Subpart 1261.1).

(2) Consider (including ascertain, adjust, determine), compromise or settle, and pay up to \$10,000, or deny, on behalf of the United States, any tort claim arising from the activities of NASA (see 14 CFR Subpart 1261.3).

(3) Approve attorney fees up to \$10,000 pursuant to the Equal Access to Justice Act (EAJA) or other relevant statute(s) (see 14 CFR Part 1262).

b. The Associate General Counsel (General), or designee, is also delegated the following authority:

(1) Serve as the Alternate Designated Agency Ethics Official on conflict of interest and standards of conduct issues.

(2) Act for the General Counsel as liaison with the Department of Justice under the Attorney General's Supplemental Guidelines implementing Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

(3) Serve as the point of contact for compliance with Executive Order 12988, Civil Justice Reform.

c. The Associate General Counsel (Contracts), or designee, is delegated authority to provide legal advice on matters related to procurement integrity and procurement-related organizational conflicts-of-interest issues.

d. The Associate General Counsel (Commercial and International), or designee, is delegated authority to prepare final determinations on appeals pursuant to the Freedom of Information Act, 5 U.S.C. Section 552.

e. The Associate General Counsel (Intellectual Property), or designee, is delegated the following authority:

(1) Provide, under the policy direction of the General Counsel, functional direction to all Patent and Intellectual Property Counsel.

(2) Appoint and/or revoke principal attorneys and execute power of attorney necessary for obtaining and maintaining intellectual property protection, including patents and copyrights.

(3) Exercise all powers of the Administrator with respect to secrecy orders in patent cases and foreign filings.

(4) Provide for the distribution of royalties and other income obtained from the licensing of patents and other intellectual property.

(5) Transfer custody and administration, in whole or in part, to another Federal agency of the right, title, and interest in any invention which the Administrator holds on behalf of the United States.

(6) Determine whether to grant, deny, modify, or terminate licenses under all intellectual property including patents, copyrights, trademarks and mask work rights owned by NASA; and whether to give express authorization and consent for the use and manufacture of patented inventions incorporated in space vehicles launched by the United States for a person or entity other than the United States.

(7) Take the actions required or permitted pursuant to 35 U.S.C. Sections 200 - 205.

f. The legal counsel to whom the above responsibilities and authorities are delegated or redelegated shall ensure that the General Counsel is kept fully and currently informed of significant actions, problems, or other matters of substance.

7. Measurements

The General Counsel will assess compliance by the designated legal counsel of the Agency with paragraph 6(f) of this NPD through the existing communications and reporting channels.

8. Cancellation

NPD 2000.1D, dated February 24, 1997.

/s/ Daniel R. Mulville
Acting Administrator

Attachment A: (Text)

None.

(URL for Graphic)

None.

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